

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

**UNITED STATES OF AMERICA**

**CRIMINAL ACTION NO. 08-70**

**VERSUS**

**JUDGE HAIK**

**MELVIN B. BOUTTE**

**MAGISTRATE JUDGE HANNA**

***ORDER***

Before the court are two motions filed by habeas petitioner Melvin B. Boutte: (1) a Motion for Extension of Time and Request for Transcripts Pursuant to 28 U.S.C. § 753(f) (Rec. Doc. 67); and (2) a Motion to Strike Government's Answer and Memorandum as an Insufficient and Scandalous Defense, Pursuant to Fed. R. Civ. P. 12(f)(2) and Motion to Recuse A.U.S.A. Josette L. Cassiere (R. 68).

In his motion for extra time, petitioner explains he needs time to review transcripts of his plea and sentencing transcripts and an extension until December 15, 2010, to file his reply to the government's opposition to his habeas petition. After review, the undersigned finds petitioner's motion for extra time is well-founded and will be granted.

However, petitioner's motion to strike the government's answer and recuse Assistant United States Attorney Josette L. Cassiere is rude, personally attacking, abrasive, and based on completely unfounded facts and assumptions. Petitioner describes the government's answer as "scandalous" no less than five times, and accuses Ms. Cassiere, *inter alia*, of "unethical corruption and perversion" of his argument; of filing an

“intentionally defective, insufficient and evasive” response; of engaging in “maliciously fraudulent and intentional corruption and misrepresentation” and states “Ms. Cassiere [sic] demonstrated conduct is unbecoming of her office, and ‘so outrageous that it violates the principle of fundamental fairness under the due process clause of the Fifth Amendment.’”<sup>1</sup> Petitioner invites the court to share his outrage by striking the response and recusing Ms. Cassiere.:

Finally, Ms. Cassiere’s filing of such an insufficient and scandalously evasive Responsive Pleading should also offend the Court, because the filing of such a pleading clearly reflects her unfounded confidence that she could actually get away with such malfeasance without any concern of reprisal from this Court.<sup>2</sup>

The undersigned has reviewed the government’s response and there is absolutely nothing scandalous, insufficient, corrupt, or perverted therein. The response simply contains arguments in opposition to petitioner’s motion which the court is quite capable of evaluating and giving the weight each argument deserves. Petitioner has apparently confused opposition to his will or disagreement with his arguments as “scandalous” and those expressing opposition or disagreement, here Ms. Cassiere, as exhibiting “unbecoming” and “outrageous” conduct. Petitioner is misguided and his motion to strike and recuse will be denied.

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<sup>1</sup>*Motion to Strike Government’s Answer and Memorandum As An Insufficient and Scandalous Defense, Pursuant to Fed. R. Civ. P. 12(f)(2) and Motion to Recuse A.U.S.A. Josette L. Cassiere* (Rec. Doc. 68), pgs. 2 - 4.

<sup>2</sup>*Id.*, p. 68.

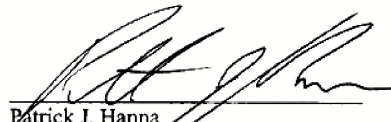
Moreover, further filings by petitioner accusing the government and its counsel of scandalous or otherwise negative behaviors will not be tolerated by the court.

Therefore,

**IT IS ORDERED** that the Motion for Extension of Time and Request for Transcripts Pursuant to 28 U.S.C. § 753(f) (Rec. Doc. 67) is **GRANTED** and petitioner has until **December 15, 2010**, to file a reply brief.

**IT IS FURTHER ORDERED** that the Motion to Strike Government's Answer and Memorandum as an Insufficient and Scandalous Defense, Pursuant to Fed. R. Civ. P. 12(f)(2) and Motion to Recuse A.U.S.A. Josette L. Cassiere (R. 68) is **DENIED**.

Lafayette, Louisiana, this 30<sup>th</sup> day of November, 2010.



Patrick J. Hanna  
United States Magistrate Judge  
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